

MEMORANDUM

SEPTEMBER 13, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, ASSISTANT DIRECTOR FOR
HARBOR PLANNING AND DEVELOPMENT
VICTOR KAREN, DEPUTY DIRECTOR FOR
HARBOR PLANNING AND DEVELOPMENT
JOHN NOONE, PROJECT MANAGER
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: CONFIRMATORY ORDER OF TAKING OF EASTERN AVENUE
LOCATED IN THE DOWNTOWN WATERFRONT - FANEUIL HALL
URBAN RENEWAL AREA

Eastern Avenue is located between the Authority owned Sargents Wharf B-3 and Pilot House Extension B-3(A) parcels and is within the Downtown Waterfront - Faneuil Hall Urban Renewal Area.

The redevelopment of these two parcels will require easements and realignment of Eastern Avenue to permit the construction of a mixed income housing on Sargents Wharf and the development of a hotel, residential condominiums, retail, a marina and below grade parking on the adjacent Lewis Wharf site and parcel B-3(A).

It is therefore recommended that a Confirmatory Order of Taking of Eastern Avenue, located in the Downtown Waterfront - Faneuil Hall Urban Renewal Area, be made to facilitate the redevelopment of parcel B-3 and B-3(A).

An appropriate vote follows:

VOTED: That the Authority adopt the attached Confirmatory Order of Taking for Eastern Avenue located in the Downtown Waterfront - Faneuil Hall Urban Renewal Area.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking, dated SEP. 13 1990, relating to a portion of the DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA, MASS. R-77, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST:

Kare Simonian
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L., c.121B, and its predecessor statute G.L., c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 7929, page 440, an Order of Taking, dated February 4, 1965, concerning and describing the Downtown Waterfront-Faneuil Hall Urban Renewal Area, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L., c. 79, §40; and

WHEREAS, the Authority is making this taking, which is confirmatory in nature, solely to cure and hence remove any cloud on the title to the property that may have arisen or if any there be.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c.121B and all other authority thereunto enabling and pursuant to the applicable provisions of said c.79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all private and public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a

property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority causes this instrument of taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of
the Boston Redevelopment Authority have caused the corporate
seal of the Authority to be hereto affixed and these presents
to be signed in the name and behalf of the Boston Redevelopment
Authority.

DATED: SEP. 13 1990

BOSTON REDEVELOPMENT AUTHORITY

Cloume J Jones
Michael J. Loula
Constance K. Small
Tom H. Quinn

ATTEST:

Karee Sumanian
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is the only parcel taken by this Order of Taking:

A parcel of land shown as Eastern Avenue, containing approximately 25,107 square feet and shown on a Plan entitled, "Plan of Land (Eastern Avenue), Boston, Mass.," dated October 5, 1990," prepared by Harry R. Feldman, Inc., Land Surveyors, 112 Shawmut Avenue, Boston, Mass. 02118, which plan is recorded herewith.

The owner of the parcel of land hereby taken is City of Boston.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

